

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2008-06
Bill No.: Perfected HS for HCS for HB 835, 90, 707, 373, 641, 510, 516, & 572
Subject: Omnibus Crime Bill
Type: Original
Date: April 19, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(\$2,880,497 to Unknown)	(\$2,079,201 to Unknown)	(\$2,013,456 to Unknown)
Highway	\$25,867	\$50,386	\$52,792
Insurance Dedicated	(\$25,205)	\$3,968	\$3,050
Crime Victims' Compensation	(\$2,465,258 to Unknown)	(\$2,958,310 to Unknown)	(\$2,958,310 to Unknown)
Tort Victims' Compensation	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
Total Estimated Net Effect on <u>All</u> State Funds	(\$5,345,093 to Unknown)	(\$4,983,157 to Unknown)	(\$4,915,924 to Unknown)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Prosecutor's	Unknown	Unknown	Unknown
Local Government	\$10,946 to (Unknown)	\$17,280 to (Unknown)	\$18,102 to (Unknown)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 26 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials of the **Department of Elementary and Secondary Education** assume their would be no state or local school fiscal impact.

Officials of the **Office of Administration** stated there would be no fiscal impact to their office, however, officials stated there would be impact on total state revenue.

Officials of the **Department of Social Services** stated that the provisions of Section 210.001 which adds two child assessment centers which would impact the State's General Revenue Fund. Officials estimated annual costs at \$500,000.

Officials of the **Department of Insurance** assumes this proposal would add new duties which would require the department to request 1 FTE, an Insurance Licensing Tech I along with associated E & E to administer requirements of licensing the Recovery Agents and review and approve training courses submitted by providers. The Licensing Tech would assist in the administration of licensing bail bond agents. Officials anticipate 400 recovery agents at \$100 licensing and renewal fee for projected revenues of \$40,000 annually. Officials stated there would be one-time contract program costs of \$29,000 to make modifications to the licensing system for licensing of Recovery Agents. Officials stated that all income from fees, and costs would impact the Insurance Dedicated Fund.

Officials of the **Department of Corrections** stated that there are many sections that creates new crimes and there is no data from which to make an estimate of fiscal impact. Officials assume the following Sections would have minimal fiscal impact, however, costs are unknown.

- 1) Section 575.155- Eluding a law enforcement official. (Unknown) minimal
- 2) Section 574.085, 214-131- Institutional Vandalism. (Unknown) minimal
- 3) Section 571.030- Unlawful use of a weapon. (Unknown) minimal.;

ASSUMPTION (continued)

- 4) Section 571.070.2- Possessing a concealed weapon, with 35grams of marijuana or less (Unknown)
- 4) Section 571.030- Use of unlawful weapons on school property. (Unknown)
- 5) Section 570.135- Enhancing crime levels of credit card fraud. (Unknown)
- 6) Section 570.130- Fraudulent use of a credit card to pay taxes. (Unknown)
- 7) Section 570.090- Revises definition of forgery. (Unknown)
- 8) Section 568.176- Prohibit a person from selling a person less than 18 years of age. (Unknown)
- 9) Section 566.141- Sexual offender treatment by persons committing a sex crime. DOC officials stated that this proposal does not set forth what would happen if an individual does not successfully complete treatment. Officials stated that depending on whether an individual remains on probation, or incarcerated if they do not complete the program could have significant costs. (Unknown)
- 11) Section 566.111-This section would outlaw sexual conduct with animals, and other related prohibitions. (Unknown) expected to be minimal.
- 12) Section 566.093- This Section deals with sexual misconduct in the 2nd Degree. (Unknown) expected to be minimal.
- 13) Section 566.090- This Section deals with sexual misconduct in the 1st Degree. (Unknown) expected to be minimal.
- 14) Section 566.083- This Section deals with sexual misconduct involving a child. (Unknown) expected to be minimal.
- 15) Section 566.069- This Section deals with child molestations. (Unknown)
- 16) Section 565.310- Human cloning ban. (Unknown)
- 17) Section 565.200- Sexual crimes against nursing home residents. (Unknown)
- 18) Section 565.070- Assault of mass transit workers. (Unknown)
- 19) Section 566.067- This would amend the criteria for child molestation (Unknown) expected to be less than \$100,000 annually.
- 20) Section 566.068- This amends laws for child molestation. (Unknown) expected to exceed \$100,000 annually.
- 21) Section 558.019.7- Restorative justice. (Unknown)
- 22) Section 556.061- Statutory Rape and Sodomy against children under 12 years of age. (Unknown) expected to be less than \$100,000.
- 23) Section 556.036- Changes statute of limitations for certain offenses. (Unknown)
- 24) Section 544.170- Refusal to release a person to consult with counsel. (Unknown) Minimal.
- 25) Sections 537.297, 570.030, 577.020, 578.154- New crimes relating to anhydrous ammonia and liquid nitrogen. (Unknown) expected to be significant.
- 26) Section 217.690- This Section deals with parole for an offender with consecutive sentences. (Unknown)

ASSUMPTION (continued)

- 27) Section 302.321- This Section deals with motor vehicle violations. DOC officials assume there would be fiscal impact that is (Unknown). Officials expect fiscal impact to exceed \$100,000 annually.
- 28) Sections 195.222 & 195.223 - These Sections adds the drug 3,4-methylenedioxymethamphetamine (MDMA or MD Meth) or “ecstasy” drug to the drug trafficking statutes. Officials stated that an increase in commitments depends on the utilization by Prosecutors and the actual sentences imposed by the court. Due to the wide variance of crimes and punishments including newly created crimes and punishments, the fiscal impact as it is related to this Section is (Unknown).

Department of Corrections officials concluded that they were unable to determine the number of people who would be convicted under the provisions of this bill and to estimate the potential need for additional capital improvements. Estimated construction cost for one new medium-security inmate bed is \$48,300 at FY 99 average costs. A maximum security inmate bed is \$55,000, also using average FY 99 costs. Utilizing this per-bed cost provides for a conservative estimate by the DOC, as entire facilities and/or housing units would have to be constructed to cover the cost of housing new commitments resulting from the cumulative effect of various new proposals.

DOC officials stated that there would be fiscal impact from other sections of this proposal for which estimates of costs have been submitted.

Sections 570.030 & 570.080 - Change stealing dollar amount criteria. Officials estimate that there would be an increase of 194 offenders and a decrease of 85 due to the changes in sentences. The net result ($194 - 85 = 109$) is an increase of 109 offenders. $109 \times \$35.61 \times 365 \text{ days} = (\$1,416,743)$ additional costs of housing additional offenders.

Section 570.080 - This would change the felony/ misdemeanor cutoff from \$150 to \$425 when receiving stolen property. Officials estimate that there would be a decrease of approximately 5 inmates annually due to the changes in subsection 3. Officials estimate **Savings of \$64,988**, ($5 \times \$35.61 \times 365 \text{ days} = \$64,988$).

Changes to **Section 575.230, RSMo**, are for increasing the class D felony sentence for aiding the escape of an incarcerated felon to a class B felony. A class D felony carries the penalty of up to 5 years, while a class B felony carries not less than 5 years but up to 15 years incarceration. Class D felons typically serve 35.8% of their sentence before being released to parole, while class B felons serve a higher percentage of their sentence, typically 46.4%, before parole. Currently, DOC has 2 individuals incarcerated for the existing offense. In the past 4 fiscal years (FY97-FY00) there have been 3 admissions, all to term. The maximum sentence imposed

ASSUMPTION (continued)

is 4.75 years, close to the maximum penalty. Typical time served for the 4.75 year penalty would be 1.7 years. The typical time served for a class B felon would be 6.96 years. This could increase the incarceration time by 5.26 years if this bill were passed as law, with the impact beginning in the second FY after revising the statute. Due to the low numbers of offenders affected, impact would not be measurable until the third fiscal year.

Officials stated that they estimated the increase in population to increase incrementally over the fiscal year. For cost estimates, a snapshot of the midyear average population was used to determine fiscal impact. Cost of \$35.61, housing an inmate per day and an annual inflation rate of 3% was used. Officials estimated there would be no fiscal impact in fiscal years 02 and 03. Fiscal impact would begin in FY 04. Officials estimate cost of (\$14,203).

Section 195.524- Relates to possession of ephedrine, and manufacture of methamphetamine:

In FY00, there were 15 admissions to prison and 30 to probation for possession of ephedrine or its derivatives with intent to manufacture methamphetamine. Probation also had 1 admission charged with distribution. These offenses were charged as class D felonies. Although the number of commitments due to the creation of the new crimes is unknown, DOC conservatively expects the offenders who will be convicted of the new offense to be at least as many as those convicted for possession with intent to manufacture. Therefore the DOC estimates that per any given year, there will be 15 prison admissions serving an average of 10 months (the average time served for class D felony offenders in FY00) and 30 probation case openings supervised 4 years (the average probation for class D felonies in FY00.)

It is estimated the increase in population will increase incrementally over the fiscal year. For cost estimates, a snapshot of the midyear average population was used to determine fiscal impact.

Assumptions used to determine cost and rounded to the nearest whole number include:
\$35.61 (FY99 cost) inmate per capita costs with an inflation rate of 3% per each subsequent year.
\$2.47 (FY99 cost) supervision costs with an inflation rate of 3% per each subsequent year.
DOC officials submitted a cost for Probation / Parole, and a cost for increased incarceration.

Officials estimate the increase in the cost of parole/probation for 10 months of FY 2002 at \$13,936; and \$43,062 in FY 2003 ; and \$59,138 in FY 2004. Officials estimate the cost of an increase in incarcerations at \$80,328 in FY 2002; \$179,265 in FY 2003; and \$184,642 in FY 2004.

ASSUMPTION (continued)

Sections 217.105, 590.105, and 590.200 – Creation of the Corrections Officer Standards and Training Commission

Officials from the **Department of Corrections (DOC)** assume the Corrections Officer Standards and Training (COST) Commission would be created within the DOC. According to the guidelines of this proposal, the COST Commission would have the purpose of administration of standards and training certification programs for all ranks of Corrections Officers (COs) employed with the DOC.

Based upon the testimony of the bills' sponsors and proponents, the DOC assumes the training standards and certification program would mirror those of the Peace Officer Standards and Training (POST) program. Class "B" level POST certification requires 470 hours of basic training for its participants; the Class "A" level POST certification requires 600 hours. The cost for the 470-hour training program through the various Law Enforcement Academies averages \$2,300 per person; the 600-hour program averages \$3,300 per person. This cost is not paid by the DPS, rather POST applicants pay for their own pre-service training prior to employment. DOC officers are hired via the State merit system before training occurs and DOC pays the pre-service training for new Cos. DOC assumes this practice will continue. DOC expended \$1,406,460 last fiscal year and trained 2,131 persons (\$660 per person). Expanding DOC's program from 296 hours to 470 hours would increase the cost of pre-service training to \$1,048 per newly hired officer or \$388 per tenured person for the 174 additional hours.

Please note: The DOC assumes the academy will continue to provide at least 40 hours of in-service training for Officers each year.

The DOC currently (FY01) has budgeted 5,376 Corrections Officers (COs) of which 4,512 hold the rank of Correctional Officer I. The remaining 864 hold the supervisory ranks of CO II and CO III (Sergeants/Lieutenants) and Corrections Supervisor (CS) II and CS III (Majors/Captains).

Of the 5,376 officers employed today, a total of 3,590 (2,974 CO Is and 616 supervisory staff) was trained prior to 10/99 and received less than 296 hours of pre-service instruction. DOC assumes 75% of the existing eligible CO workforce will elect to participate in the POST training. DOC further assumes officers who took 296 hours will only attend the 174 additional hours. DOC assumes the COST training for all existing staff electing to participate will occur in FY02.

COs electing to participate in training will be absent from their jobs/posts for 174 or 470 hours each for training plus travel. CO I and CO II are compensated at time and a half rate; CS II and III staff earn straight time. The budgeted annual salary for a CO I is \$26,460 (\$12.72 per hour);

ASSUMPTION (continued)

CO II is \$29,040 (\$13.97 per hour); CO III is \$31,380 (\$15.09 per hour); CS I is \$36,012 (\$17.32 per hour) and CS II is \$39,048 (\$18.78 per hour). If the 600-hour certificate program is provided, comp time costs will increase.

As of December 2000, the DOC's turnover rate for CO I is 22%; the turnover rate for other CO ranks is 16.2%.

During FY02, 262 additional COs will be hired, of which 56 will hold a CO supervisory rank. The remaining 206 will serve as CO Is. In FY03, 555 new FTE will be hired, including 81 CO supervisors and 474 CO Is. DOC assumes all new officers will receive at least 470 hours of pre-service training.

Based on these assumptions, the DOC estimates total fiscal impact for COST participants, including inflation, for FY02 to be \$34,507,734; FY03 to be \$738,570; and for FY04 to be \$569,463.

Oversight assumes the Corrections Officer training will be established pursuant to decisions made by the Corrections Officer Standards and Training (COST) Commission. The proposal could result in additional training costs to the DOC. Oversight assumes the DOC will phase in the COST training of current employees. Although unknown, Oversight assumes the DOC's training costs will depend on funding available, and could exceed \$1,000,000 annually.

Section 565.042 – Death Penalty Commission

In response to identical legislation the following agencies and departments stated:

Officials of the **Office of Administration- Division of Budget and Planning** assume that General Revenue will provide the funding for the Death Penalty Commission.

OA further assumes that the Commission would be staffed by an Executive Director (\$51,252) and a Clerk IV (\$26,460) in addition to the necessary expense and equipment for each position. Officials assume that the nine members will meet in Jefferson City four times during FY 2002 and FY 2003, and twice during FY 2004 which will add travel and hearing-related expenses. Officials assume that the Commission will contract for a study to analyze data as outlined in the proposal. OA assumes the cost of the study would be similar to that incurred for the sentencing study, or about \$130,000. OA officials estimated costs of 2.0 FTE, fringe benefits, equipment and expense at (\$277,590) for 10 months of FY 2002; (\$155,423) in FY 2003; and (\$78,049) in FY 2004. Oversight would note that the Commission would be required to submit its reports and findings by January 1, 2004 or 6 months of FY 2004.

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ASSUMPTION (continued)

Oversight for purposes of this fiscal note will show costs for 10 months of FY 2002, because the proposal states that the Commission shall be appointed and staffed on or before December 1, 2001, which would be 7 months of FY 2002.

Sections 50.550, 50.555, and 558.019 – County Crime Reduction Fund

Officials of the **Office of State Courts Administrator** stated this proposal does not specify who would be responsible for receiving and accounting for what would be in most cases installment payments. Since the Sheriff and Prosecutor would be the beneficiaries of the fund, officials assume one or the other of these offices would provide these services, and not the Court Clerks. If this assumption is correct there would be no fiscal impact to the state. However, if the Court Clerks are required to provide this service, there would be a state cost in direct proportion to the volume of transactions. Officials stated that traffic cases are usually misdemeanors, and if as an alternative to a traffic conviction, a defendant can get a suspended sentence for payment into the crime reduction fund, the potential volume could be in the hundreds of thousands of cases. Officials stated if cases that would otherwise have resulted in a conviction are shifted to a suspended imposition or execution of sentence, it is likely to result in the loss of revenue from fines to schools, crime victims' compensation, law enforcement training, and other earmarked funds. **Court officials stated that in the aggregate there is a potential for fiscal impact on the State's Courts, however, it is not possible to estimate costs. Cost is (unknown).**

The **Callaway County Circuit Clerk** stated that if the contribution to the Crime Reduction Fund is in addition to the court cost and fine then there would be no loss of income to any fund, however, if the contribution is in lieu of the court cost and fine then there would be a loss of revenue to the county, schools, crime victim compensation fund, law enforcement training fund, Prosecutor training fund, sheriff's retirement, court automation fund, etc.. Officials assume that both court cost and fines would be assessed.

Oversight assumes that fiscal impact would depend upon several factors. 1) The County Commission would need to establish the Crime Reduction Fund, as allowed by this proposal; 2) and the amount of fiscal impact would depend on the number of cases the Court would suspend and require payment into the Crime Reduction Fund.

Oversight assumes that to the extent there is a reduction in fines on the local level, Schools would receive more money in state aid due to the school aid formula. Therefore, the loss of fine revenues would be subsidized by the State's General Revenue Fund.

ASSUMPTION (continued)

Section 570.120 – Administrative Handling Fee

Officials of the **Office of Prosecution Services and the Boone County Prosecutor's Office** stated that this proposal would tie the collection of administrative fees to criminal charges filed rather than "bad checks" processed. At this time, the administrative fee is charged based on the number of checks that are "turned over" for collection and processed by the office, therefore, to estimate the increase is unknown. Officials stated that the collection of administrative fees pursuant to this bill might be increased, but, the costs of collecting the fees pursuant to this proposal would be significantly higher.

Oversight assumes the process that Prosecutors use to collect bad checks is not dealt with by this proposal. Oversight assumes this proposal increases the administrative handling fees that can be collected by Prosecutors when taking action to collect bad checks, therefore, Oversight will show fiscal impact as a positive unknown to County Prosecutors/ Circuit Attorneys Special Fund.

Officials of the **Office of Attorney General and State Courts Administrator** assume there would be no fiscal impact to their offices.

Section 221.510 – Jake's Law

Officials of the **Department of Corrections** stated that they currently complies with the procedures for outstanding warrant inquiries, at the time of release, as outlined in this proposal, therefore, officials assume fiscal impact would be minimal. Officials stated that any additional cost or duties could be absorbed within existing resources.

Officials of the **Department of Public Safety- State Highway Patrol** assume that all investigative work performed by the Patrol would involve log tape scans looking for inquiries being mandated. Officials stated there is no way to estimate the number of log tape scans that would be required. Officials stated that last year for investigative purposes 600 inquiries were made. Officials assume that one-half of those log scans were done looking for a specific inquiry name from specific terminals (300). This proposal would, based on those calculations, result in one third of that figure (100). The average cost for this type of legislation at the State Data Center based upon November 2000 was \$1,244.25 (amounts ranging from \$1,632.99 to \$200.52). Taking the increased number (100) at \$1,244.25 would amount to an estimated annual recurring increased expense of \$124,425. Officials stated that they would need 2 FTE Computer Information Technology Specialist and they would be responsible for the application support and

ASSUMPTION (continued)

maintenance of the existing MULES database. Officials estimate cost for 10 months of FY 2002 for FTE, fringe benefits, and Equipment and Expense, at \$204,778; and in FY 2003 \$244,743; and in FY 2004 \$251,510.

Section 547.035, 650.050, and 650.055 – DNA Testing

Officials of the **Office of Attorney General** assume there would be an increase in appeals which would have fiscal impact upon their office. Officials stated that they would need 2 FTE, Asst. Attorney General II, to handle the increase in appeals. Officials estimate cost of 2 FTE, fringe benefits, equipment and expense for 10 months of FY 2002 at \$98,915; and in FY 2003 \$100,447; and \$102,959 in FY 2004.

Officials of the **Department of Corrections** stated that in FY 00 there were a total of 6,418 new admissions for those crimes. The expenditure for the test would be borne by the Highway Patrol. However, Corrections officials assume they would need 2.0 Correctional Officers I for each Reception and Diagnostic Center, and would need a trailer. Officials stated there would not be sufficient space. **Oversight assumes that procedures could be made to allow for blood test when enrolling an inmate or upon their release, thereby, alleviating the need for additional FTE, or trailers. Oversight assumes no fiscal impact.**

Officials of the **Department of Public Safety - Missouri Highway Patrol** assume the changes made in Section 547.035, 650.050, and 650.055 would require the Patrol Crime Lab to need additional equipment annually. Officials estimate cost for 10 months of FY 2002 at \$799,214 of which \$300,607 would be one-time costs. Cost estimates for FY 2003 is \$78,587; and \$80,944 in FY 2004.

Section 1 -- State Contracts

Officials of the **Department of Health** assume that fiscal impact of Section 1 of this proposal is unknown but likely to exceed \$100,000 since potentially many contractors could be found to be in violation. There could be increased costs for procurement staff to conduct additional competitive bids and increased contract costs to get vendors to cover those service areas previously covered by ineligible contractors. There could also be costs related to contractors involved in settlement agreements and repaying money. Officials estimate fiscal impact as unknown but likely to exceed \$100,000 annually.

ASSUMPTION (continued)

Section 302.302 -- Point System - Blood Alcohol

Officials of the **Department of Revenue - Division of Motor Vehicles and Driver Licensing** stated that this proposal reduces the minimum blood alcohol content threshold to .08% for driving while intoxicated and driving with excessive blood alcohol content convictions. This would result in additional postage due to an increase mailing of notices of suspension, notices of reinstatement, and responses to additional correspondence as a result of the lower BAC threshold. Officials made the following estimates based on 10 months of FY 2002. Officials estimate costs for postage in FY 2002 at \$972; in FY 2003 \$1,454; and in FY 2004 \$1,512.

DOR officials estimate the fiscal impact of reinstatement due to the lower blood alcohol threshold for DWI and excessive BAC convictions. Reinstatement fees would be distributed as follows:

FY 02

\$32,839	Highway Fund
\$6,568	Cities
\$4,378	Counties

FY 03

\$51,840	Highway Fund
\$10,368	Cities
\$6,912	Counties

FY 04

\$54,304	Highway Fund
\$10,861	Cities
\$7,241	Counties

Officials of the **Department of Revenue** stated that the Driver and Vehicle Services Bureau assumes that they would have to develop new conviction codes and two new action types for the license withdrawal actions that would be imposed as a result of Sections 302.321, arrest for stealing fuel. Officials assume any new duties can be handled with existing resources. Officials stated that the State Data Center would have costs of \$6,000 in FY 2002. Cost would be to the

ASSUMPTION (continued)

Highway Fund.

Sections 595.045, 650.300, and 650.310 – Crime Victims’ Compensation Fund and Office of Victims of Crime

Officials from the **Department of Labor and Industrial Relations (DOL)** assume the proposal increases the maximum compensation amount to crime victims for loss of earnings or support from gainful employment from \$15,000 to \$25,000. This proposal also removes life insurance proceeds from consideration as a collateral source in determining victim eligibility for compensation from the fund and eliminates the \$50 deductible applied against claimant awards. In addition, this legislation increases the criminal court proceeding surcharge earmarked for the Crime Victims’ compensation Fund in an effort to provide adequate funding for the proposed “Office of Victims of Crime” in the Department of Public Safety. Finally, this legislation caps the reserve in the Crime Victims’ Compensation Fund at 200 percent of the previous year’s expenditures by diverting excess revenues into the Tort Victims’ Compensation Fund.

The DOL assumes there will be a fiscal impact from the increase in the maximum compensation level. The removal of life insurance as a collateral source of compensation will have no fiscal impact because the DOL made this change by rule in October 1999.

In aggregate for fiscal years 1998 through 2000, the DOL awarded \$14,764,090 in claims for crime victims’ compensation. The elimination of the \$50 deductible would have increased the total claim award during this three-year period to \$14,969,019. This was an increase of \$204,929. For these years, the average annual increase equaled \$68,310. This represented less than a 1% increase.

FISCAL YEAR	ACTUAL AMOUNT PAID INCLUDING DEDUCTIBLE	AMOUNT PAID IF ELIMINATING DEDUCTIBLE	FISCAL IMPACT TO CRIME VICTIMS’ COMPENSATION FUND
FY98	\$5,144,508	\$5,214,557	\$70,049
FY99	\$4,587,300	\$4,651,194	\$63,894
FY00	\$5,032,282	\$5,103,268	\$70,986
Totals	\$14,764,090	\$14,969,019	\$204,929

ASSUMPTION (continued)

To determine the fiscal impact to the fund if the maximum amount recoverable increased from \$15,000 to \$25,000, the total award amount for only those cases where the maximum was awarded in FY99 and FY00 was analyzed. Accordingly, during these fiscal years, 578 claims were granted the maximum award amount of \$15,000. This equals 289 claims per year. If the maximum award amount equaled \$25,000 and all award recipients who received the maximum award amount in the previous two fiscal years received the maximum award under the new cap, the fiscal impact to the fund would be an additional \$2,890,000 annually.

Presently, the DOL pays out approximately \$5 million in monetary awards to crime victims. The DOL assumes that this trend will continue over the next three years. Based on the figures above, the DOL assumes that an additional \$2,890,000 (average increase based on previous years) will be awarded if the ceiling increases to \$25,000 and an additional \$68,310 (average increase based on previous years) will be awarded annually if the \$50 deductible is eliminated. Combined, this represents an additional annual cost to the fund of \$2,958,310.

The DOL believes that the additional surcharge for criminal court proceedings will provide enough additional funding to adequately fund administrative and operational expenses for the Office of Crime Victims as well as the costs associated with the administration of the proposed crime victim notification system.

While the proposed cap on the fund balance would place a ceiling on the amount of revenues in the Crime Victims' Compensation Fund, the DOL believes that this provision would not impact the actual awards paid out to crime victims. Since excess funding would divert into the Tort Victims' Compensation Fund, the DOL expects the balance in this fund to either increase or remain stable. The exact dollar amount of any potential increase to the Tort Victims' Compensation Fund is impossible to determine.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
GENERAL REVENUE FUND			
<u>Cost</u> to Department of Public Safety from (Section 221.510) Jake's Law			
Personal Service (2.0 FTE)	(\$70,274)	(\$86,437)	(\$88,598)
Fringe Benefits	(\$23,422)	(\$28,809)	(\$29,530)
Equipment and Expense	(\$111,082)	(\$129,497)	(\$133,382)
Subtotal of cost to DPS	(\$204,778)	(\$244,743)	(\$251,510)
<u>Cost</u> from DNA Testing Section 547.035	(\$799,214)	(\$78,587)	(\$80,944)

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
Total cost to Department of Public Safety from DNA Testing (Section 547.035)	<u>(\$1,003,992)</u>	<u>(\$323,330)</u>	<u>(\$332,454)</u>
<u>Cost</u> to Office of Attorney General			
Personal Service (2.0 FTE)	(\$61,250)	(\$75,338)	(\$77,221)
Fringe Benefits	(\$20,415)	(\$25,110)	(\$25,738)
Equipment and Expense	<u>(\$17,250)</u>	<u>\$0</u>	<u>\$0</u>
Total Cost to Office of Attorney General	<u>(\$98,915)</u>	<u>(\$100,448)</u>	<u>(\$102,959)</u>
<u>Cost</u> to Department of Health from (Section 1) State Contracts	(Unknown)	(Unknown)	(Unknown)
<u>Cost</u> to Department of Social Services funding 2 child assessment centers (Section 210.001)	(\$500,000)	(\$500,000)	(\$500,000)
			(6 Mo.)
<u>Cost</u> to Office of Administration			
Personal Services (2.0 FTE)	(\$64,760)	(\$77,712)	(\$38,856)
Fringe Benefits	(\$21,585)	(\$25,901)	(\$12,951)
Equipment and Expense	<u>(\$191,245)</u>	<u>(\$51,810)</u>	<u>(\$26,242)</u>
Total costs to Office of Administration (Section 565.042)	<u>(\$277,590)</u>	<u>(\$155,423)</u>	<u>(\$78,043)</u>
<u>Cost</u> to Department of Corrections			
Training - Sections 217.105 and 590.200	(would exceed \$1,000,000)	(would exceed \$1,000,000)	(would exceed \$1,000,000)
Incarceration/Probation costs numerous Sections	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
Total cost DOC	<u>(\$1,000,000 to Unknown)</u>	<u>(\$1,000,000 to Unknown)</u>	<u>(\$1,000,000 to Unknown)</u>
ESTIMATED NET EFFECT TO GENERAL REVENUE FUND	<u>(\$2,880,497 to Unknown)</u>	<u>(\$2,079,201 to Unknown)</u>	<u>(\$2,013,456 to Unknown)</u>

INSURANCE DEDICATED FUND

<u>Income</u> to Insurance Dedicated Fund from licensing fees	\$40,000	\$40,000	\$40,000
<u>Cost</u> to Insurance Dedicated Fund			
Personal Services (1.0 FTE)	(\$19,803)	(\$24,358)	(\$24,967)
Fringe Benefits	(\$6,600)	(\$8,119)	(\$8,322)
Equipment and Expense	<u>(\$38,802)</u>	<u>(\$3,555)</u>	<u>(\$3,661)</u>
Total cost to Insurance Dedicated Fund	(\$65,205)	(\$36,032)	(\$36,950)
Estimated Net Effect to Insurance Dedicated Fund (Section 374.695)	<u>(\$25,205)</u>	<u>\$3,968</u>	<u>\$3,050</u>

HIGHWAY FUND

<u>Income</u> to Department of Revenue from reinstatement fee (Section 302.302)	\$32,839	\$51,840	\$54,304
<u>Cost</u> to Department of Revenue			
Postage	(\$972)	(\$1,454)	(\$1,512)
Data Processing Cost	<u>(\$6,000)</u>	<u>\$0</u>	<u>\$0</u>
Estimated Net Effect to Highway Fund	<u>\$25,867</u>	<u>\$50,386</u>	<u>\$52,792</u>

CRIME VICTIMS' COMPENSATION FUND

<u>Cost</u> to Department of Labor	(\$2,465,258)	(\$2,958,310)	(\$2,958,310)
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<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
<u>Transfer out</u> to Tort Victims' Compensation Fund	(\$0 to <u>Unknown</u>)	(\$0 to <u>Unknown</u>)	(\$0 to <u>Unknown</u>)
Estimated Net Effect to Crime Victims' Compensation Fund	<u>(\$2,465,258 to Unknown)</u>	<u>(\$2,958,310 to Unknown)</u>	<u>(\$2,958,310 to Unknown)</u>

TORT VICTIMS' COMPENSATION FUND

<u>Transfer in</u> from Crime Victims' Compensation Fund	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
Estimated Net Effect to Tort Victims' Compensation Fund	<u>\$0 to Unknown</u>	<u>\$ 0 to Unknown</u>	<u>\$ 0 to Unknown</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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CITY AND COUNTIES

<u>Income</u> to Cities from reinstatement fees DOR	\$6,568	\$10,368	\$10,861
<u>Income</u> to Counties from reinstatement fees DOR	\$4,378	\$6,912	\$7,241
Total income to Local Government (Section 303.302)	<u>\$10,946</u>	<u>\$17,280</u>	<u>\$18,102</u>

<u>Cost</u> to Political Subdivisions from mandatory incarcerations (Section 302.321)	(Unknown)	(Unknown)	(Unknown)
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Estimated Net Effect to Local Government	<u>\$10,946 to (Unknown)</u>	<u>\$17,280 to (Unknown)</u>	<u>\$18,102 to (Unknown)</u>
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<u>Income</u> to Prosecutor's Special Fund from increase in administrative handling fees. (Section 570.120) *	Unknown	Unknown	Unknown
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FISCAL IMPACT - Local Government

FY 2002

FY 2003

FY 2004

(10 Mo.)

***Oversight assumes the revenue generated by an increase in fees, on a statewide basis, is indeterminable and is shown as unknown. Oversight expects the annual increase in fees to exceed \$100,000 annually.**

(Section 302.321)

SCHOOL DISTRICTS

Income to Certain School Districts from State's School Aid Formula

\$0 to Unknown

\$0 to Unknown

\$0 to Unknown

Loss to Certain School Districts
from reduction in fines.

\$0 to
(Unknown)

\$0 to
(Unknown)

\$0 to
(Unknown)

Estimated Net Effect to Certain School Districts (Sections 50.550, 50.555, and 558.019)

\$0

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

(1) Allows county commissions to create county crime reduction funds and specifies the purposes for which the money in the funds can be spent. The substitute allows the court to order restorative justice methods in cases where there is a suspended imposition or execution of sentence and to order individuals who have a suspended imposition or execution of sentence for a misdemeanor to make a payment of up to \$1,000 to the county crime reduction fund (Sections 50.550, 50.555, and 558.019, RSMo);

(2) Requires itinerant vendors and peddlers to show proof of purchase to law enforcement officers for new and unused property being sold. "New and unused property" is defined as property that has not been used and is still in its original packaging (Sections 150.465 and 570.010);

(3) Makes changes to the crime of institutional vandalism. Currently, if damages are less than

DESCRIPTION (continued)

\$1,000, institutional vandalism is considered a class A misdemeanor; if damages are more than \$1,000, it is a class D felony; and if damages are more than \$5,000, it is a class C felony. The substitute revises the penalties as follows: if damages are less than \$500, institutional vandalism is a class A misdemeanor; if damages are more than \$500, it is a class D felony; and if damages are more than \$10,000, it is a class C felony. In addition, if damages are more than \$100,000, incarceration of 7 years without probation or parole is required. In all cases of institutional vandalism, the offender must pay restitution for damages to property. The substitute also gives the right of civil action for damages or losses to owners of property adjacent to cemeteries and to caretakers of abandoned family cemeteries. Currently, only those who incur bodily injury or damage to personal property have a right to civil relief (Sections 214.131, 537.523, and 574.085);

(4) Allows minimum terms for parole eligibility for offenders with consecutive life sentences to exceed the minimum term for parole eligibility for an ordinary life sentence (Section 217.690);

(5) The substitute also changes the penalty for driving with a revoked license. The substitute eliminates the provision that allows persons in violation to avoid imprisonment if community service is a condition of parole or probation. As a result, driving with a revoked license is punishable with a minimum of 48 hours of incarceration for a first conviction, 10 days for a second conviction, 30 days for a third conviction, and a minimum of one year for 4 or more convictions (Section 302.321);

(6) Requires that persons convicted of stealing for leaving without paying for motor fuel, in addition to any other criminal penalties imposed, have their drivers' licenses suspended. The suspensions will be imposed as follows: 60 days, with hardship license eligibility after the first 30 days, for a first violation; 90 days, with hardship license eligibility after the first 30 days, for a second violation; 180 days, with hardship license eligibility after the first 90 days, for the third violation or any subsequent violations (Section 302.286);

(7) Creates the crime of theft of services, which is a class C felony if the value of the services is \$750 or more and a class A misdemeanor for services less than \$750. An offender commits the crime if he or she contracts with a transportation of property provider and, after the property has been delivered, fails to make payment on the contract. Intent to avoid payment may be presumed if the offender does not make the required payment in the time specified or does not make payment within 30 days if no time was specified (Section 407.308);

(8) Permits law enforcement officials to detain a person for 32 hours without charging a crime if the person has been arrested for first degree assault or robbery, forcible rape or sodomy, or

DESCRIPTION (continued)

distribution or manufacture of drugs. Currently, a person who is arrested for these offenses must be released within 20 hours unless charged with a crime (Section 544.170);

(9) Creates a commission on the death penalty, which is created to study all aspects of the death penalty in Missouri. The substitute designates the members of the commission and directs it to hold public hearings. The commission's findings, which must include recommendations for corrective amendments to the statutes and court rules, are to be available to the Governor, the Legislature, and the Supreme Court by January 1, 2004 (Section 565.042);

(10) Prohibits human cloning or attempted human cloning. The substitute makes human cloning a felony punishable by imprisonment for no more than 10 years and a fine of no more than \$10 million (Section 565.310);

(11) Allows to be admissible as evidence of intent to steal the possession, use, transfer, or reproduction of a sales receipt, tag, or universal price code (Section 570.030);

(12) Makes stealing a class A misdemeanor if the property or services are worth less than \$425 and a class C felony if the value is \$425 or more. Currently, stealing is a class A misdemeanor for property valued less than \$750 and a class C felony for property worth \$750 or more (Section 570.030);

(13) Makes receiving stolen property a class A misdemeanor if the property is valued at less than \$150 and a class D felony if it is worth at least \$150 but not more than \$425. The substitute makes receiving stolen property a class C felony if the property is valued at \$425 or more or if the person receiving the property is a dealer in goods of the type in question. Currently, receiving stolen property worth less than \$150 is a class A misdemeanor and a class C felony for property worth \$150 or more (Section 570.080);

(14) Expands the definition of forgery to include the making of receipts and universal product codes and the knowing use or transfer of forged receipts and universal product codes (Section 570.090);

(15) Makes several changes to the crime of passing bad checks. The substitute allows the prosecuting attorney to charge, in addition to any other costs and fees, an administrative handling cost of \$25 per bad check. If the bad check is for \$100 or more, an additional fee of 10% of the check may be assessed, not to exceed \$50. Currently, prosecutors may recover administrative handling costs of \$5 for checks less than \$10; \$10 for checks of \$10, but less than \$100; and \$25 for checks of \$100 or more. The substitute also requires the prosecutor to collect from the issuer

DESCRIPTION (continued)

of a bad check a reasonable service charge to turn over to the recipient of the bad check. Currently, this is a discretionary duty. If a check is dishonored but not referred to the prosecutor, the substitute allows the recipient to collect from the issuer the face amount of the check, a reasonable service charge not to exceed \$30, and an amount equal to the charge by the bank for the return of each check (Section 570.120).

Sections 195.515, 195.521, 195.524 sets forth requirements for the use, purchase, and possession of ephedrine, pseudoephedrine, or phenylpropanolamine, or any of their salts or optical isomers. Violation of the this section would be a Class D felony. Possession of more than five grams of ephedrine or more than twelve grams of pseudoephedrine or any of their salts would be a Class D felony for the first offense and a Class C felony for a second or subsequent offense.

Section 210.001 adds Regional Child Assessment centers to the Department of Social Services. The new centers will be known as the Southeast Missouri Network Against Sexual Violence and the Lakes Area Child Advocacy Center.

Section 302.302 provides for points whenever an accident results in which a person suffers physical injury or death in violation of Subsection 2 of Section 304.012. An accident resulting in moderate physical injury would result in 6 points.

Section 304.012 provides that any person who operate a vehicle in a careless manner and at a rate of speed that could cause serious physical injury would be guilty of a Class B misdemeanor.

Section 542.276 would allow the Attorney General to make an application for the issuance of a search warrant in any investigation of a technological crime.

Section 5437.170 provides that a person arrested for a felony offense without a warrant or other process of law, would have to be released from custody within thirty-two hours of arrest, unless charged. A confinee is to be allowed to consult with counsel, failure to do so is a Class A misdemeanor.

556.061 expands the definition of “dangerous felony” to include statutory rape in the first degree of a child less than twelve years of age at the time of the commission of the act.

Section 565.050 and 564.070 provides for no suspended sentence, probation, or a fine in lieu of a term of imprisonment if they assaulted a mass transit worker or passenger while waiting or traveling on a mass transit system.

DESCRIPTION (continued)

Section 565-225 expand harassment to include electronic harassment.

Section 566.067 and 566.068 - 566.069-566.083, 566.090, 566.093, 566.141 changes the law relating to child molestation and sexual misconduct.

Section 577.020 adds to the list of circumstances when a chemical test can be administered to determine alcohol or drug content of the person's blood.

Section 578.600 defines the term "technological crime".

Section 578.605 and 578.610 gives the State Attorney General Authority to conduct investigations of technological crimes.

Section 650.055 requires DNA testing is to be conducted when sexual offenses are against a child seventeen years of age or less.

Section 1 would prohibit anyone who has entered into a contract with the state or any political subdivision and has been found to be in violation of any state statute or regulation from entering into any contracts with the state or political subdivision for 3 years.

"Jake's Law" is created, which requires law enforcement officers, jailers, and the Department of Corrections to conduct a check for outstanding warrants on all prisoners, whether convicted or being held on suspicion of charges. Prisoners may not be released or transferred before a check has taken place. Failure to do so is a class A misdemeanor.

The penalty for aiding in the escape of a prisoner being held in custody or confinement on the basis of a felony charge or conviction is changed from a class D to a class B felony.

Theft of liquid nitrogen, or an attempt to steal anhydrous ammonia or liquid nitrogen, would be classified as a class C felony; theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail tank car, bulk storage tank, field tank or field applicator is a class A felony. Possession of anhydrous ammonia in a nonapproved container is a class D felony. Owners, as well as operators, buyers, sellers, installers and certain others, of anhydrous ammonia containers or equipment would be provided with immunity from civil liability and suits filed by persons who engage in unauthorized tampering with such containers and equipment. Immunity would not be provided for those who are willfully or wantonly negligent.

The proposal makes it a crime of unlawful use of a weapon, with a penalty of imprisonment not

DESCRIPTION (continued)

less than 5 years and not to exceed 7 years, to carry a firearm readily capable of lethal use and with intent to use it, into any school, school bus, or onto the premise of any function or activity sponsored by school officials or the school district. The bill also makes it a crime of unlawful possession of a concealable firearm, with a penalty of imprisonment of not less than 5 years and not more than 7 years, if a person possessing the firearm also possesses any controlled substance, except for marijuana in the amount of 35 grams or less.

The crime of human cloning, a class B felony, is created. Any corporation violating the provisions is guilty of a felony for which the authorized punishment is a fine of not more than \$10,000,000.

The definition of unlawful use of weapons would be expanded to include the discharge of a firearm in the air in violation of a local ordinance during the calendar days of July 3, July 4, July 5, December 30, December 31, or January 1, except for when legally hunting or participating in a recognized sport event. A violation would be a class A misdemeanor.

Persons would be prohibited from engaging in sexual conduct with animals, from causing other persons to engage in sexual conduct with animals, and from permitting sexual conduct with animals on premises under their charge or control. A violation is a class D felony, unless it occurs in the presence of a minor or causes the animal serious physical injury or death, in which case it is a class C felony. Additionally, courts may prohibit defendants from residing in households where animals are present, may remove animals from defendants' households at their expense, and may order psychological counseling and evaluation for defendants at their expense.

The Office of Victims of Crime is created within the Department of Public Safety for the purpose of promoting the fair treatment of crime victims. The surcharge on all criminal cases and juvenile cases filed in municipal or county courts is increased from \$5 to \$10. A portion of such moneys are earmarked for administrative and operational costs of the new Office of Victims of Crime.

The Corrections Officer Standards and Training Commission would be created within the Department of Corrections. The proposal: (1) Contains provisions regarding the appointment, qualifications, and duties of the members of the commission; (2) Requires the commission to establish a core curriculum and formulate rules and regulations for the administration of corrections officers standards and training programs; (3) Requires the Peace Officers Standards and Training Commission to establish a corrections officers certification program; (4) Requires the corrections officers standards and training commission to establish the corrections officers certification program; and (5) Requires that after January 1, 2002, all persons hired as corrections officers complete an instructional program established by the commission. Persons

DESCRIPTION (continued)

holding positions as of the date specified may attend the programs on a voluntary basis.

A defendant would be required to pay court-ordered restitution at all times while under court, state, or county supervision, except during periods of incarceration. A court order of restitution would have the same effect as a civil judgment and could be enforced as a civil judgment.

Eluding a law enforcement official by use of a motor vehicle would be a class A misdemeanor. A person commits the crime if the person attempts to elude a law enforcement official who has a reasonable suspicion that a law or local ordinance has been violated by ignoring visible and audible signs from a law enforcement official directing the person to stop.

The proposal excludes from the crime of unlawful use of weapons, any person 21 years of age or older transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as the concealable firearm is otherwise lawfully possessed and is not carried on the person. An applicant would be denied state or federal funds for providing child care if the applicant or any person over the age of 18 who is living in the applicant's home has pled guilty or nolo contendere to or been found guilty of any misdemeanor offense against a person, when the victim is a child; any felony offense involving stalking of a person; any offense of prostitution, robbery, or arson; or any offense involving a firearm.

The proposal adds distributing or delivering more than 30 grams of any compound which contains any quantity of 3,4-methylenedioxymethamphetamine (commonly known as Ecstasy) to the crime of trafficking in drugs in the first degree. If the quantity involved is between 30 and 90 grams, it is a class A felony. If the quantity is 90 grams or more, or is 30 grams or more and the offense occurred in certain listed locations, it is a class A felony without the possibility of probation or parole. The proposal also adds possessing or purchasing more than 30 grams of any compound which contains any quantity of 3,4-methylenedioxymethamphetamine to the crime of trafficking in drugs in the second degree. If the quantity involved is between 30 and 90 grams, it is a class B felony. If the quantity involved is between 90 and 450 grams, it is a class A felony. If the quantity involved is more than 450 grams, it is a class A felony without the possibility of probation or parole.

Currently, peace officers are required to report certain information concerning each stop of a driver of a motor vehicle for a violation of a traffic law or ordinance, including the racial identity of the person stopped, the violations alleged, the circumstances surrounding any resulting search and whether any arrest was made. The proposal requires such information for each stop of a motor vehicle, regardless of the purpose of the stop.

DESCRIPTION (continued)

The proposal creates the “Professional Bail Bondsman Licensing Act.”

This proposal makes several changes to the provisions concerning crime victims' compensation: (1) Deletes a requirement that \$50 be deducted from all crime victims' compensation awards; (2) Raises a limitation on the amount that can be recovered for loss of earnings or support from gainful employment from \$15,000 to \$25,000; and (3) Excludes life insurance proceeds from the benefits that are counted against the amount recovered under the crime victims' compensation fund.

This proposal lowers the minimum age for jury duty from 21 to 18 and excuses from jury duty full-time students who do not reside within 20 miles of the city or county where the jury summons is issued.

The proposal makes it a class B felony to buy or sell or attempt to buy or sell any person less than 18 years of age. These provisions would not apply to legitimate adoptions, legitimate actions by department of corrections officials or county jailers, or to any negotiations or legal proceedings of any kind between parents, guardians, grandparents, or other concerned parties that relate to the legal custody of minor children.

The “Drug Detection Program” is created. This program, subject to appropriations, would make funds available to municipal or county law enforcement agencies for the purpose of purchasing drug dogs to aid in the detection of illegal drugs.

This proposal expands the crime of tampering with a judicial officer to add juvenile court officers to the definition of "judicial officers."

Communications made to a minister or clergyperson are added as exceptions to legally recognized privileged communication that would not apply to situations involving known or suspected child abuse or neglect, and would not constitute grounds for failure to report or to give or accept evidence in any judicial proceeding relating to child abuse or neglect.

This proposal clarifies that juvenile officers, while performing duties incident to his or her office who has fulfilled the mandatory requirements for certification as a peace officer, are among those who are excepted from the provisions prohibiting the carrying of concealed weapons.

The proposal adds the crime of knowing use of a credit card or debit card without the owner's consent to the list of existing credit card fraud crimes. The penalty for all credit card fraud crimes is raised from a class A misdemeanor to a class D felony. The penalty in any case where

DESCRIPTION (continued)

the value of the illegally procured goods or services is \$10,000 or greater, or for any second or subsequent offense of any dollar amount is raised to a class C felony. The definition of "personally identifying information" used as an element of the crimes is changed to remove place of employment and mother's maiden name.

The proposal also expands the crime of first degree involuntary manslaughter to include persons who, while in the process of committing a drug related crime, or while in the process of committing any other crime where the possession, sale, distribution, trafficking, or other activity involving any controlled substance is an element of such crime and also the cause of death, the person either fail to summon aid or prohibit others from summoning aid when a person's death could have been avoided if aid had been summoned.

A person in the custody of the Department of Corrections claiming that DNA testing will demonstrate the person's innocence of the crime for which the person is in custody may file a post-conviction motion seeking such testing. The proposal states the criteria by which the testing can occur as well as the procedures for filing such motion and for such hearing. The court shall order appropriate testing if the court finds that a reasonable probability exists that the person would not have been convicted if exculpatory results had been obtained through the requested DNA testing and the person is entitled to relief.

The DNA profiling system established by the Department of Public Safety shall include a separate statistical data base containing DNA profiles of persons whose identity is unknown. The proposal also allows the Department of Public Safety to charge a reasonable fee to search and provide a comparative analysis of DNA profiles to any law enforcement agency outside of Missouri.

The proposal also clarifies that both adults and juveniles certified as adults who are convicted of certain violent or sex offenses must provide a blood or scientifically accepted biological sample for purposes of DNA profiling analysis.

The proposal also expands the crimes to which convicted persons must submit to DNA profiling analysis to include first degree burglary, second degree burglary, and felony or of any sex offense.

The proposal addresses the comparison of DNA samples as requested by any federal, state, or local law enforcement agency

The proposal expand the crime of fraudulent use of a credit device or debit device if a person

DESCRIPTION (continued)

uses the credit device or debit device for the purpose of paying property taxes and knowingly cancels or charges back said payment with a credit card company or financial institution without just cause.

This proposal also clarifies that prosecuting and circuit attorneys are among those who are excepted from the provisions prohibiting the carrying of concealed weapons.

The proposal also makes it a class B misdemeanor for an owner or employee of a long-term care facility or of an in-home services provider agency, to have sexual contact with a resident of the facility or with a client in his or her care. Second or subsequent violations are class A misdemeanors. In addition, sexual intercourse or deviant sexual intercourse in these cases is a class D felony, and second or subsequent violations are class C felonies. An employee who is married to a resident or client and engages in this activity with his or her spouse is exempt from prosecution.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Attorney General
Office of Administration - Division of Budget & Planning
Department of Elementary and Secondary Education
Department of Social Services
Department of Insurance
Office of State Courts Administrator
Office of Prosecution Services
Department of Public Safety - State Highway Patrol
Department of Health
Department of Revenue - Division of Motor Vehicle and Driver License
Department of Labor and Industrial Relations
Boone County Prosecutor's Office
Callaway County Circuit Clerk



Jeanne Jarrett, CPA
Director
April 19, 2001